

ADOT JPA File No.: 02-021  
AG Contract No.: KR021519TRN  
**Amendment No. 1**  
Project No.: HRF-DGS-0-766  
Project: Construction Improvements  
Section: Chino Road  
TRACS No.: HF066 01C / 02C  
Budget Source Item No.: HURF

**AMENDMENT NO. 1  
TO  
INTERGOVERNMENTAL AGREEMENT**

BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF DOUGLAS

**THIS AGREEMENT** is entered into this date May 24, 2006, **Amendment No. 1** to JPA No. 02-021, A.G. Contract No.: KR02-1519TRN, filed with the Secretary of State under No. 25464, pursuant to the Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF DOUGLAS, acting by and through its MAYOR and CITY COUNCIL (the "City").

**I. RECITALS**

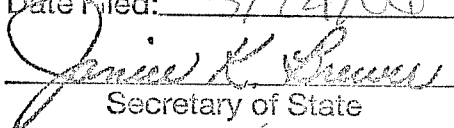

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

**THE PURPOSE OF THIS AMENDMENT** is to better identify the project funding. The project will be constructed in two phases; Phase 1 will be constructed under TRACS No. HF066 01C using the City's own local forces, HURF amount of \$160,573.00 and Phase 2 will be competitively bid under TRACS No. HF066 02C.

**THEREFORE**, in consideration of the mutual Agreements expressed herein, this Agreement is amended as follows:

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NO. 25464  
Filed with the Secretary of State  
Date Filed: 5/24/06  
  
Secretary of State  
By: 

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
Federal Fiscal Year to be Processed	STP Apportionment to be Charged to SEAGO	STP Obligation Authority to be Charged to SEAGO	90 %HURF Funds to be Transferred to SEAGO
<b>HF066 01C</b>			
FFY 2006	\$ 195,991.00	\$ 178,418.00	\$ 160,576.00
<b>HF066 02C</b>			
FFY 2006	\$1,451,749.00	\$1,321,582.00	\$1,189,424.00
<b>Total</b>	<b>\$1,649,740.00</b>	<b>\$1,500,000.00</b>	<b>\$1,350,000.00</b>

**EXCEPT AS AMENDED** herein, **ALL OTHER** terms and conditions of the original Agreement remain in full force and effect.

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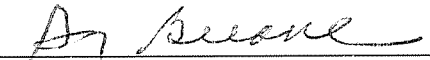
**IN WITNESS WHEREOF**, the parties have executed this Amended Agreement the day and year first above written.

**CITY OF DOUGLAS**

**STATE OF ARIZONA**

Department of Transportation

By



RAY BORANE  
Mayor

By



SUSAN TELLEZ  
Contract Administrator

ATTEST:

By



LETICIA G. RODRIGUEZ  
Clerk

Resolution No. 06-437

**A RESOLUTION OF THE MAYOR AND COUNCIL  
OF THE CITY OF DOUGLAS, ARIZONA,  
AUTHORIZING THE EXECUTION OF  
AMENDMENT NO. 1 TO THE  
INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE CITY OF DOUGLAS AND THE  
ARIZONA DEPARTMENT OF  
TRANSPORTATION FOR THE CONSTRUCTION  
OF IMPROVEMENTS TO CHINO ROAD.**

*WHEREAS*, on September 5, 2002, the City of Douglas and the Arizona Department of Transportation entered into Intergovernmental Agreement Project No. HRF-DGS-0-766 for the construction of improvements to Chino Road; and

*WHEREAS*, the parties seek to enter into Amendment No. 1 to Intergovernmental Agreement Project No. HRF-DGS-0-766; and Amendment No. 1 providing the terms and conditions of said amendment to the agreement is attached in Exhibit "A", and incorporated herein by reference; and

*WHEREAS*, it is in the best interests of the City of Douglas to provide needed improvements to Chino Road.

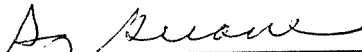
***BE IT RESOLVED***, by the City Council of the City of Douglas as follows:

**Section 1.** The terms of Amendment No. 1 to Intergovernmental Agreement Project No. HRF-DGS-0-766 are in the best interest of the City of Douglas.

**Section 2.** The City Manager and City Clerk are hereby authorized to execute and deliver Amendment No. 1 to said Intergovernmental Agreement and any related documents necessary to consummate the transaction contemplated by the amendment for and on behalf of the City of Douglas.

**Section 3.** The officers of the City Council and the City of Douglas are hereby authorized and directed to fulfill all obligations under the terms of Amendment No. 1 to said Intergovernmental Agreement.

**PASSED AND ADOPTED** by the Mayor and Council of the City of Douglas, Arizona, this 12<sup>th</sup> day of April, 2006.

By   
Ray Borane, Mayor

1  
2 Attest:

3  
4 By Leticia G. Rodriguez  
Leticia G. Rodriguez, City Clerk

5  
6 Approved as to Form:

7 Anita L. Sanchez  
8 Anita L. Sanchez, City Attorney

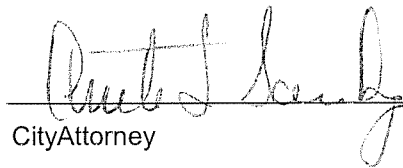
JPA 02-021  
Amendment No. 1


**ATTORNEY APPROVAL FORM FOR THE CITY OF DOUGLAS**

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the CITY under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 12<sup>th</sup> day of April, 2006.

  
City Attorney

<p>TERRY GODDARD Attorney General</p>	<p> <b>OFFICE OF THE ATTORNEY GENERAL</b> STATE OF ARIZONA</p>	<p>CIVIL DIVISION TRANSPORTATION SECTION Writer's Direct Line: 602.542.8855 Facsimile: 602.542.3646 E-mail: Susan Davis@azag.gov</p>
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**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR02-1519TRN (**JPA 02-021, Amendment No. 1**), an Agreement between public agencies, i.e., The State of Arizona and The City of Douglas, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: May 17, 2006

TERRY GODDARD  
Attorney General

  
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SUSAN E. DAVIS  
Assistant Attorney General  
Transportation Section

SED:mjf:961014  
Attachment